

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0155 UA Monticello

ACT#: 19-1SS

SECTION#: 13

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~CONTINGENCY -GREAT RIVERS TECHNICAL INSTITUTE. UA Monticello College of Technology-McGehee.~~ (a) To address needs emerging from the restructuring of the Technical Institutes, ~~Great Rivers Technical Institute UA Monticello College of Technology-McGehee~~ shall establish and maintain for the ~~2003-2005~~ 2005-2007 biennium a pool of four (4) unclassified positions and three (3) classified positions, payable from funds appropriated for ~~Great Rivers Technical Institute UA Monticello College of Technology-McGehee~~. These positions are to be used by ~~Great Rivers Technical Institute UA Monticello College of Technology-McGehee~~ in the event that the number and level of positions available to address the needs emerging from business and industry driven program expansions exceeds the number of positions regularly authorized for ~~Great Rivers Technical Institute UA Monticello College of Technology-McGehee~~.

(b) ~~Great Rivers Technical Institute UA Monticello College of Technology-McGehee~~ shall provide justification to the Department of Finance and Administration's Office of Personnel Management (OPM) for the need to allocate titles from this position pool. No classifications will be assigned to the pool until such time as specific positions are requested and justified by ~~Great Rivers Technical Institute, UA Monticello College of Technology-McGehee~~ recommended by OPM and approved by the Legislative Council. ~~Great Rivers Technical Institute UA Monticello College of Technology-McGehee~~ may transfer positions from this pool to any pay schedule the agency currently maintains or any pay schedule the agency

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receives during the ~~2003-2005~~ 2005-2007 biennium.

(c) Determining the number of personnel to be employed by a state agency is the prerogative of the General Assembly and is usually accomplished by delineating the maximum number of personnel by identifying job titles and the maximum grade or salary attached to those titles. The General Assembly has determined that ~~Great Rivers Technical Institute~~ UA Monticello College of Technology-McGehee could be operated more efficiently if some flexibility is given to that agency. That flexibility is being accomplished by providing growth pools in subsection (a) of this section and since the General Assembly has granted the agency broad powers under the growth pool concept, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the growth pool by requiring prior approval of the Legislative Council in the utilization of the growth pool. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court jurisdiction, this entire section is void.

If the agency requests continuation of a "Growth Pool" position(s) as established herein during the next biennium, the position(s) must be requested as a new position(s) in the agencies biennial budget request.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through July 30, ~~2005~~ 2007.

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SECTION#: 14

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~CONTINGENCY – FOREST ECHOES TECHNICAL INSTITUTE UA Monticello College of Technology-Crossett.~~ (a) To address needs emerging from the restructuring of the Technical Institutes, ~~Forest Echoes Technical Institute UA Monticello College of Technology-Crossett~~ shall establish and maintain for the ~~2003-2005~~ 2005-2007 biennium a pool of four (4) unclassified positions and three (3) classified positions, payable from funds appropriated for the ~~Forest Echoes Technical Institute UA Monticello College of Technology-Crossett.~~ These positions are to be used by ~~Forest Echoes Technical Institute UA Monticello College of Technology-Crossett~~ in the event that the number and level of positions available to address the needs emerging from business and industry driven program expansions exceeds the number of positions regularly authorized for ~~Forest Echoes Technical Institute UA Monticello College of Technology-Crossett.~~

(b) ~~Forest Echoes Technical Institute UA Monticello College of Technology-Crossett~~ shall provide justification to the Department of Finance and Administration's Office of Personnel Management (OPM) for the need to allocate titles from this position pool. No classifications will be assigned to the pool until such time as specific positions are requested and justified by ~~Forest Echoes Technical Institute UA Monticello College of Technology-Crossett,~~ recommended by OPM and approved by the Legislative Council. ~~Forest Echoes Technical Institute UA Monticello College of Technology-Crossett~~ may transfer positions from this pool to any pay schedule the agency currently maintains or any pay schedule the

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EXECUTIVE RECOMMENDATION

agency receives during the ~~2003-2005~~ 2005-2007 biennium.

(c) Determining the number of personnel to be employed by a state agency is the prerogative of the General Assembly and is usually accomplished by delineating the maximum number of personnel by identifying job titles and the maximum grade or salary attached to those titles. The General Assembly has determined that ~~Forest Echoes Technical Institute~~ UA Monticello College of Technology-Crossett could be operated more efficiently if some flexibility is given to that agency. That flexibility is being accomplished by providing growth pools in subsection (a) of this section and since the General Assembly has granted the agency broad powers under the growth pool concept, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the growth pool by requiring prior approval of the Legislative Council in the utilization of the growth pool. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court jurisdiction, this entire section is void.

If the agency requests continuation of a "Growth Pool" position(s) as established herein during the next biennium, the position(s) must be requested as a new position(s) in the agencies biennial budget request.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through July 30, ~~2005~~ 2007.

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(ii) The next three hundred fifty thousand dollars (\$350,000) or so much thereof as may be collected in severance taxes, penalties, and costs on timber and timber products, over and above the amount distributed to the State Forestry Fund during each fiscal year as provided in subdivision (b)(2)(A)(i) of this section, shall be distributed and credited to the University of Arkansas at Monticello Fund. The University of Arkansas at Monticello may transfer from General Revenue to cash funds any timber severance tax funds as provided in Arkansas Code 26-58-124 subdivision (b)(2)(A)(ii), to be set aside therein to be used solely and exclusively for providing additional support for the School of Forestry of the University of Arkansas at Monticello, as per the intent of Arkansas Code 26-58-124 subdivision (b)(2)(A)(ii); and

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

FUND BALANCES. The Board of Trustees in its official governing capacity charged with the management or control of the institution of higher learning and the President or Chancellor as the Chief Executive shall certify to the Chief Fiscal Officer of the State and the Legislative Council that as of December 31 of each year that sufficient appropriations and funds are available, or will become available, to meet all current and anticipated obligations during the fiscal year for the payment of the obligations when they become due.

This certification, signed by the Chair of the Board of Trustees and the President or Chancellor will be forwarded by February 28 of each year or upon release of the previous year's audit by Legislative Audit to the Chief Fiscal Officer of the State and the Legislative Council accompanied by the Board approved published annual financial statement for the preceding fiscal year.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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